D.B.CIVIL WRIT PETITION NO.3682/2006
(Union of India & Anr. Vs. The Central Administrative Tribunal & Ors.

Date of Order: 5.10.2006

HON'BLE MR.JUSTICE N.N.MATHUR
HON'BLE MR.JUSTICE R.P.VYAS

Mr.Manoj Bhandari for the petitioners

BY THE COURT: **(PER HON'BLE MR.MATHUR J.)**

By way of instant petition, the petitioner Union of India through General Manager, Northern-Western Railways has challenged the order of the Central Administrative Tribunal, Jodhpur Bench (hereinafter referred to as the Tribunal) dated 13.2.2006, whereby the Tribunal has allowed the OA and quashed the notice dated 16.7.2002 and orders dated 21.12.2002.

It is not in dispute that the similar orders were challenged by one of the employee namely Satish Chandra Mathur by filing a OA before the Tribunal. The said OA was allowed. The decision of the Tribunal in Satish Chandra's case has been upheld by the Division Bench of this Court. The Tribunal following the decision in Satish Chandra's case allowed the OA filed by the respondents Rajendra Choudhary & others.

It is contended by the learned counsel that the

learned Tribunal committed error in condoning the delay in filing the OA. We are unable to agree with the submission of the learned counsel. The Tribunal on perusal of the pleadings on record held that matter has been under constant considered of the Railway authorities themselves and it does not sound well for them to take a plea of laches . On the merit of the case it is not in dispute that the controversy involved is squarely covered by the decision of the Tribunal as upheld by this Court in Satish Chandra's case. No interference is warranted with the order of the Tribunal.

The writ petition stands dismissed.

(R.P. VYAS), J. **(N.N.MATHUR), J.**

BKS/-